



ROBINSON MCFADDEN
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.
COLUMBIA, SOUTH CAROLINA

Frank R. Ellerbe, III

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September 3, 2014

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fellerbe@robinsonlaw.com

VIA ELECTRONIC FILING

Ms. Jocelyn Boyd
Chief Clerk & Administrator
Public Service Commission of South Carolina
Synergy Business Park, Saluda Building
101 Executive Center Drive, Suite 100
Columbia, SC 29210

**Re: Application of CUC, Inc. for Adjustment of Rates and Charges
Docket No. 2013-451-WS**

Dear Ms. Boyd:

Enclosed for filing please find a Motion to Compel Discovery Responses and to Extend Pre-Filing Deadlines in the above-referenced docket. By copy of this letter we are serving the same on the parties of record.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III

FRE/tch

Enclosures

cc: Steven G. Mikell, Esquire (via email and US Mail)
Shannon Bowyer Hudson, Esquire (via email and US Mail)
Andrew M. Bateman, Esquire (via email and US Mail)
Mr. Patrick Parkinson (via email)
Mr. Thomas J. Noyes (via email)

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013-451-WS**

In Re:)	
)	
Application of CUC, Incorporated for)	MOTION TO COMPEL
Adjustment of Rates and Charges)	DISCOVERY RESPONSES
)	AND TO EXTEND PRE-FILING
)	DEADLINES
_____)	

Pursuant to R. 103-829 of the Rules of Practice and Procedure of the South Carolina Public Service Commission Callawassie Island Property Owners Association (“CIPOA”) hereby moves the South Carolina Public Service Commission (the “Commission”) to compel CUC, Inc. (“CUC”) to immediately and fully respond to CIPOA’s First Interrogatories and Requests for Production, which are attached hereto as Exhibit 1. CIPOA also moves for an extension of the pre-filing deadlines in this action as explained below. The extension is required by the failure of CUC to respond to the discovery requests. In support of its motion CIPOA would make the following showing:

1. CIPOA served its First Interrogatories and Requests for Production on CUC on July 29, 2014, pursuant to R.103-833. On August 20, 2014 CUC responded to the CIPOA discovery requests by providing certain limited information and objecting to providing other information. See Exhibit 2. CUC objected to providing certain salary information on the ground that it was confidential. CUC also objected to providing to CIPOA the documents that it had previously provided to the ORS on the ground that CIPOA should obtain those documents from the ORS.

2. Counsel for CIPOA contacted counsel for CUC and reached an agreement regarding a confidentiality agreement and an executed copy of the agreement was provided to counsel for CUC on August 29, 2014. Notwithstanding that agreement CUC has not provided the requested salary information as of the filing of this motion. Counsel for CIPOA and CUC also reached agreement that CUC would provide the documents that it had previously provided to the ORS. Notwithstanding that agreement CUC has not provided any of the documents as of the filing of this motion.
3. On August 28, 2014 CUC pre-filed its direct testimony in this proceeding. In that testimony it proposed to make a part of the record all of the documents that it had provided to the ORS as part of the ORS audit of its rate increase request. See cover page of pre-filed testimony and page 4 of testimony of Billy Burnett. Thus CUC is proposing to submit into the record the very documents that CIPOA requested on July 29th but that CUC has failed to produce.
4. It is necessary for CIPOA to receive and review the content of CUC's responses to these discovery requests before CIPOA can finalize its pre-filed testimony. CIPOA anticipates that its testimony will include, reference, and comment upon CUC's responsive information and CIPOA believes that CUC's responsive information will form a pivotal part of the Commission's decision in response to CUC's rate request. CIPOA is currently required to file its testimony on or before September 12, 2014. Because of CUC's failure to provide responses to CIPOA discovery requests, CIPOA requests an extension of two weeks for its testimony (and that of its fellow intervenor Spring Island Property Owners Association ("SIPOA")) to be filed.

5. The requested extension would mean that the intervenors' testimony would be due on or before September 26, 2014. CIPOA also requests that the deadline for CUC to file its rebuttal testimony be moved to October 3rd and the deadline for surrebuttal testimony be moved to October 10th. The hearing in this docket is scheduled for October 23rd and CIPOA submits that the requested extensions will not prevent the orderly preparation of the case or cause prejudice to any party.

WHEREFORE, for the foregoing reasons, CIPOA respectfully requests that the Commission issue an order 1) requiring CUC to immediately and fully respond to CIPOA's First Interrogatories and Requests for Production and 2) extending the pre-filing deadlines in this proceeding as set out in paragraph 5 above.

Dated this 3rd day of September, 2014.

ROBINSON, MCFADDEN & MOORE, P.C.



Frank R. Ellerbe, III
Post Office Box 944
Columbia, SC 29202
Telephone (803) 779-8900
fellerbe@robinsonlaw.com

Counsel for Callawassie Island
Property Owners Association and Spring Island
Property Owners Association

EXHIBIT 1



ROBINSON MCFADDEN
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.

COLUMBIA, SOUTH CAROLINA

Frank R. Ellerbe, III

1901 MAIN STREET, SUITE 1200

POST OFFICE BOX 944

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PH

(803) 779-8900

FAX

(803) 252-0724

July 29, 2014

VIA EMAIL AND US MAIL

Steven G. Mikell, Esquire
Mikell Law Firm
310 West Pine Street
Florence, South Carolina 29501

**Re: Callawassie Island Property Owners Association
Docket No. 2013-451-WS**

Steve:

Enclosed please find the First Interrogatories and Requests for Documents of Callawassie Island Property Owners Association which is hereby served on you.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III

FRE/tch

Enclosures

cc w/enc: Shannon B. Hudson, Esquire (via email and US Mail)
Andrew M. Bateman, Esquire (via email and US Mail)
Mr. Patrick Parkinson

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2013-451-WS

In Re:

**Application of CUC, Incorporated for
Adjustment of Rates and Charges**

)
)
) **FIRST INTERROGATORIES AND**
) **REQUESTS FOR DOCUMENTS OF**
) **CALLAWASSIE ISLAND**
) **PROPERTY OWNERS**
) **ASSOCIATION**

TO: Steven G. Mikell, Esquire, attorney for CUC, Inc.:

Callawassie Island Property Owners Association ("CIPOA") hereby requests that CUC, Inc. ("CUC"), no later than twenty (20) days after service hereof, answer the following interrogatories and produce the following documents in accordance with South Carolina Public Service Commission Rule 103-833. These requests shall be deemed to continue until the time of the hearing of the case.

Requests for Documents.

1. Produce copies of all documents provided by CUC to the Office of Regulatory Staff in connection with this matter.
2. Produce the most recent monthly premium statement for the health insurance coverages provided by CUC to its employees. The documents requested are those that would show the basis for the expenses charged to Accounts 604.2 and 704.2 on the CUC Proforma Income and Expense Statement (Exhibit D to the Application).

Interrogatories.

1. List any companies with which CUC is affiliated, including any companies in which the principals of CUC, Billy F. Burnett and Susan B. Mikell, have any ownership interest.
2. List all employees of CUC. For each such employee provide the salary and title of the employee, a description of the duties of the employee and the principal location where the employee performs those duties.
3. List any CUC employees who are also employed by other entities and provide the percentage of time any such employee spends working for entities other than CUC.

Dated this 29th day of July, 2014.

ROBINSON, MCFADDEN & MOORE, P.C.



Frank R. Ellerbe, III
Post Office Box 944
Columbia, SC 29202
Telephone (803) 779-8900
fellerbe@robinsonlaw.com

Counsel for Callawassie Island Property
Owners Association

Toni C. Hawkins
Toni C. Hawkins

EXHIBIT 2

In Re:

**RESPONSES OF THE APPLICANT CUC, INC, TO FIRST
INTERROGATORIES OF CALLAWASSIE ISLAND
PROPERTY OWNERS ASSOCIATION.....**

The Applicant, CUC, Inc., responds to the first Interrogatories as follows:

- Response:** CUC, Inc., is not affiliated with any other companies.

- Response:**

- a) **Billy F. Burnett/President**
Oversees all company operations;
authorizes any large expenditures;
handles computer programming related
maintenance and updates; annual reports.
Principal location of performance of duties
is Florence, South Carolina office
- b) **Susan B. Mikell/Secretary-Treasurer**
Maintains general ledger; makes all
accounting entries; runs payroll;
pays all company bills; post receipts to
books; company correspondence; annual reports.
Principal location of performance of duties
is Florence, South Carolina office

c) Chelsea M. Mikell/Office Assistant

Assists with clerical operations; runs errands; answers telephone.

Principal location of performance of duties is Florence, South Carolina office

d) Marshall G. Bishop/Head Operator

Oversees local plant, office, and its employees & operations; obtains materials as needed for supply & repairs; assists with meter reading, repairs, maintenance & testing; submits all required reports to state agencies; handles complaints & customer service.

Principal location of performance of duties is Callawassie Island and Spring Island

e) Mary C. Floyd/Local Office Assistant

Collects and deposits customer payments; answers telephone; coordinates work orders for tap fees and repairs; customer service; customer correspondence & billing.

Principal location of performance of duties is Callawassie Island and Spring Island

f) Todd D. Cooper/Assistant Operator

Performs maintenance and repairs as needed to keep plant, meters, and lines in good working order; reads meters, assists Marshall and Mary as needed.

Principal location of performance of duties is Callawassie Island and Spring Island

g) Richard J. Bozard/Assistant Operator

Performs maintenance and repairs as needed to keep plant, meters and lines in good working order; reads meters, assists Marshall and Mary as needed.

Principal location of performance of duties is Callawassie Island and Spring Island

h) Anthony J. Bozard/Maintenance Assistant

Assists with maintenance and upkeep of grounds and plant facilities.

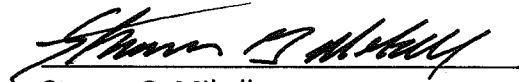
Principal location of performance of duties is Callawassie Island and Spring Island

The Applicant objects to providing the salaries of individual employees on the basis that this information is private and its disclosure would result in the potential dissemination of such information to persons not entitled to same. The Applicant would further assert that the gross salaries paid have been disclosed and are available to the CIPOA and that this information is sufficient for the CIPOA, or its representative, to make a proper and thorough analysis and comparison of the salaries paid to the gross income and expenses of Applicant.

- 3) List any CUC employees who are also employed by other entities and provide the percentage of time any such employees spends working for entities other than CUC.

Response:

NONE



Steven G. Mikell
Attorney for Applicant
310 West Pine Street
Florence, S.C. 29501
843-669-6262

Florence, S.C.

August 20, 2014

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-451-WS

In Re:

Application of CUC, Incorporated for)
Adjustment of Rates and Charges)
)

VERIFICATION

I, Susan B. Mikell, being the Secretary/Treasurer of CUC, Inc., hereby affirm that the information provided in this Response to Interrogatories is true and accurate and, where applicable, reflects the information kept in the records of the Applicant in the normal course of its business.


Susan B. Mikell
CUC, Inc.

SWORN to before me this 20th
Day of August, 2014.


Notary Public for South Carolina

My Commission Expires: 1/12/15
Steven G. Mikell
Florence County

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-451-WS

In Re:

Application of CUC, Incorporated for) RESPONSES OF THE APPLICANT CUC, INC, TO FIRST
Adjustment of Rates and Charges) REQUEST FOR DOCUMENTS OF CALLAWASSIE ISLAND
) PROPERTY OWNERS ASSOCIATION

TO: Frank R. Ellerbe, III, Esquire, attorney for Callawassie Island Property Owners Association.

The Applicant, CUC, Inc., responds to the First Request for Documents of Callawassie Island Property Owners Association as follows:

- 1) Produce copies of all documents provided by CUC to the Office of Regulatory Staff in connection with this matter.

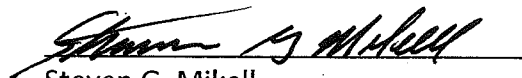
Response:

Applicant objects to this request on the basis that it would cause unreasonable, duplicative and expensive work to Applicant. This objection is based on the fact that all of the requested documentation, which is extensive, has been provided to and can be examined or obtained through the Office of Regulatory Staff.

- 2) Produce the most recent monthly premium statement for the health insurance coverage's provided by CUC to its employees. The documents requested are those that would show the basis for the expenses charged to Accounts 604.2 and 704.2 on the CUC Proforma Income and Expense Statement (Exhibit D to the Application).

Response:

Requested document is attached.



Steven G. Mikell
Attorney for Applicant
310 West Pine Street
Florence, S.C. 29501
843-669-6262

Florence, S.C.

August 20, 2014

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-451-WS

In Re:


Application of CUC, Incorporated for)
Adjustment of Rates and Charges)
)

VERIFICATION

I, Susan B. Mikell, being the Secretary/Treasurer of CUC, Inc., hereby affirm that the information provided in this Request for Documents is true and accurate and, where applicable, reflects the information kept in the records of the Applicant in the normal course of its business.


Susan B. Mikell
CUC, Inc.

SWORN to before me this 20th
Day of August, 2014.


Notary Public for South Carolina
My Commission Expires: 1/12/15
Steven G. Mikell
Florence County

UnitedHealthcare
Dept. CH 10151
600550151C0009
Palatine IL 60055-0151



Page: 1 of 4

2166473PBB0031701

CUC, INC.
SUSAN B. MIKELL
2109 TIMBERLANE DRIVE
FLORENCE SC 29506

Invoice No: 0035448697
Invoice Date: Aug 04, 2014
Customer No: 572804
Bill Group: 1
Coverage Pd: 08/15-09/14/2014
Due Date: Aug 15, 2014

Account Summary

Previous Balance	\$10,535.63
Payments (-)	\$-10,535.63
Bill Group Adjustments (+/-)	\$0.00
Late Payment Charge (+)	\$0.00
Current Charges (+)	\$10,535.63
Current Adjustments (+/-)	\$0.00
Total Balance Due	\$10,535.63

Invoice Summary

Description	Employee Count	Total Volume (000's)	Rate	Net Amount
02M1627-CUC, INC.			\$0.00	\$0.00
AD&D			\$0.00	\$0.00
EMPLOYEE	7		\$0.00	\$3.25
CHOYC+			\$0.00	\$0.00
EMPLOYEE	2		\$0.00	\$1,072.26
EMPLOYEE & FAMILY	1		\$0.00	\$2,141.89
EMPLOYEE & SPOUSE	4		\$0.00	\$6,612.08
Dental			\$0.00	\$0.00
EMPLOYEE	2		\$0.00	\$77.06
EMPLOYEE & FAMILY	1		\$0.00	\$123.07
EMPLOYEE & SPOUSE	4		\$0.00	\$308.24
Dep Life			\$0.00	\$0.00
EMPLOYEE & FAMILY	1		\$0.00	\$8.63
EMPLOYEE & SPOUSE	4		\$0.00	\$34.52
Life			\$0.00	\$0.00

Please Detach and Return the Portion Below with Remittance

2166473PBB0031702

CUC, INC.
 SUSAN B. MIKELL
 2109 TIMBERLANE DRIVE
 FLORENCE SC 29506

Invoice No: 0035448697
 Invoice Date: Aug 04, 2014
 Customer No: 572804
 Bill Group: 1
 Coverage Pd: 08/15-09/14/2014
 Due Date: Aug 15, 2014



Invoice Summary

Description	Employee Count	Total Volume (000's)	Rate	Net Amount
EMPLOYEE	7	162.5	\$0.00	\$89.38
Vision			\$0.00	\$0.00
EMPLOYEE	2		\$0.00	\$13.12
EMPLOYEE & FAMILY	1		\$0.00	\$20.33
EMPLOYEE & SPOUSE	4		\$0.00	\$53.80
Subtotal - 02M1627-CUC, INC.	40	162.5	\$0.00	\$10,557.63
Packaged Savings Administrative Credit			\$0.00	\$-42.00
Administration Charge			\$0.00	\$20.00
TOTAL	40	162.5	\$0.00	\$10,535.63

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

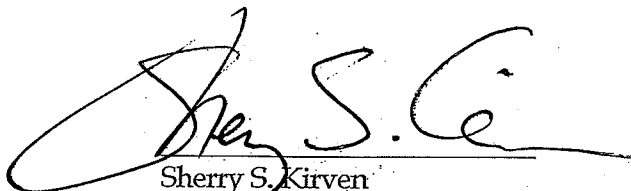
DOCKET NO. 2013-451-WS

IN RE: Application of CUC, Inc., for)	
)	
Adjustment of Rates and Charges)	CERTIFICATE OF SERVICE

This is to certify that I, Sherry S. Kirven, Legal Assistant to Steven G. Mikell, Esq., has this date served a copy of the Responses to the First Interrogatories and First Request for Documents to the attorney for Callawassie Island Property Owners Association, named below, by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Frank R. Ellerbe, III, Esquire
Robinson, McFadden & Moore, P.C.
Post Office Box 944
Columbia, S. C. 29202

Dated at Florence, S. C. this 20th day of August, 2014.



Sherry S. Kirven
Legal Assistant to
Steven G. Mikell
Attorney for Applicant

CERTIFICATE OF SERVICE

Application of CUC, Incorporated for Adjustment of Rates and Charges

Toni C. Hawkins